UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001	03 MDL 1570 (RCC)
Relates to:))
Thomas Burnett, et al.,)
	03 CV 5738 (RCC)
v.	03 CV 9849 (RCC)
Al Baraka Investment & Development Corp., <i>et al.</i>)))
STATE OF NEW YORK))ss: COUNTY OF NEW YORK)	
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JOSHUA L. DRATEL, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

- 1. I am an attorney, and as local counsel to Nevin, Benjamin & McKay, LLP, I represent defendant Sami Omar Al-Hussayen (D223) in the above-captioned case. I make this Declaration in support of Mr. Al-Hussayen's Motion to Dismiss the Complaint.
- 2. The facts and circumstances underlying this Motion are set forth fully in the accompanying Memorandum of Law and will not be repeated here.
- 3. Instead, it is respectfully submitted that those facts set forth in the accompanying Memorandum of Law are incorporated by reference herein.
 - 4. Prior application for this relief has not been made.

WHEREFORE, it is respectfully submitted that the Court grant defendant Sami Omar Al-Hussayen's motion in its entirety, and enter an Order Dismissing the Complaint against him; and for any such other and further relief as to this Court seems just and proper.

I declare under penalty of perjury that the foregoing is true to and correct to the best of my knowledge and belief. 28 U.S.C. §1746. July 23, 2004.

JOSHUA L. DRATEL